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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,488	12/19/2002	Paul R. Henion	SCH-00030-DVB	3116
7590	01/11/2006		EXAMINER	
Warn, Burgess & Hoffmann, P.C. P.O. Box 70098 Rochester Hills, MI 48307			SHAFER, RICKY D	
			ART UNIT	PAPER NUMBER
			2872	

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/635,488	HENION ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ricky D. Shafer	2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 31 October 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 23 and 25-34 is/are pending in the application.
  - 4a) Of the above claim(s) 29 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 23,25-28 and 30-34 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 33 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 33, lines 1-2, “the backing assembly” lacks proper antecedent basis.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 30 is rejected under 35 U.S.C. 102(b) as being anticipated by Fischer ('029).

Fischer discloses a mirror assembly for a vehicle comprising a mirror device (50) which inherently includes a mirror housing due to the fact that bulbs, similar to bulbs 30, and colored filters are provided within said device (see column 4, lines 49-55), a first reflective element (51) having a first field of view; a second reflective element (52) having a second field of view, the second field of view being wider than the first field of view, and an indicator light assembly (the bulbs, similar to bulbs 30, along with elements (53, 55 and 56)) for generating a light signal, wherein the first reflective element, second reflective element and indicator assembly are operably associated with the mirror device (mirror housing). Note figures 1, 3, 5 and 6 along with the associated description thereof.

5. Claim 30 is rejected under 35 U.S.C. 102(b) as being anticipated by McFarland ('366).

McFarland discloses a mirror assembly for a vehicle comprising a mirror housing (12, 12b), a first reflective element (14) having a first field of view; a second reflective element (16) having a second field of view, the second field of view being wider than the first field of view, and an indicator light assembly (18 or 20) which inherently generates a light signal, wherein the first reflective element, second reflective element and indicator assembly are operably associated with the mirror housing. Note figures 1 to 3 along with the associated description thereof.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer ('029) or McFarland ('366).

Fischer and McFarland each disclose all of the subject matter claimed, note the above explanation, except for explicitly stating that the first and/or second reflective elements is formed of glass or plastic.

It is well known to form reflective elements of glass or plastic material in the same field of endeavor for the purpose of obtaining a reflective mirror element. Note the references cited of record.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the reflective elements of Fischer or McFarland to include a glass or plastic material, as is commonly used and employed in the mirror art, in order to obtain a reflective mirror element.

8. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over McFarland ('366) in view of Ward ('053) or Panozzo ('638).

To the extent the claim is definite, McFarland discloses all of the subject matter claimed, note the above explanation, except for explicitly stating that the second reflective element includes a backing assembly formed in a desired shape of the second reflective element.

Ward and Panozzo each teaches it is well known to use a backing assembly in the same field of endeavor for the purpose of supporting a desired shape of a reflective element.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the second reflective element of McFarland to include a backing assembly, as taught by Ward and Panozzo, in order to reduce vibrations.

9. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over McFarland ('366) in view of Ward ('053) or Lang et al ('054).

McFarland discloses all of the subject matter claimed, note the above explanation, except for explicitly stating that the second reflective element is adjustable independently of the first reflective element.

Ward and Lang et al each teaches it is well known to adjust a second reflective element independently of a first reflective element in the same field of endeavor for the purpose of independently viewing different blind spots of interest.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the second reflective element of McFarland to be independently adjustable with respect to said first reflective element, as taught by Ward and Lang et al, in order to independently view different blind spots of interest.

10. Claims 23 and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Nostrand ('294) in view of Ritz-Woller ('610).

Van Nostrand discloses a mirror assembly for a vehicle comprising a mirror housing (2), a first reflective element (4) having a first field of view; a second reflective element (9) having a second field of view, the second field of view being wider than the first field of view, wherein the first and second reflective elements are operably associated with the mirror housing, note figures 1 to 3, along with the associated description thereof, except for an indicator light assembly having a light source and a lens operably associated with the mirror housing.

Ritz-Woller teaches it is well known to use an indicator light assembly having a light source and a lens operably associated with the mirror housing in the same field of endeavor for the purpose of indicating/warning drivers of a vehicle of potential danger.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mirror housing of Van Nostrand to include an indicator light assembly having a light source and lens, as taught by Ritz-Woller, in order to indicate/warn the driver of the vehicle of potential danger.

As to the limitations of claims 25 to 27, it is well known to use a plurality of light emitting diodes (LEDs) in the same field of endeavor for the purpose of increasing an area of illumination with reduced consumption of electrical energy. Note the references cited of record.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the single light source of Van Nostrand in view of Ritz-Woller to include a plurality of light emitting diodes (LEDS), as is commonly used and employed in the art, in order to increase the area of illumination with reduced consumption of electrical energy.

As to the limitations of claim 28, it is well known to use a light pipe in the same field of endeavor for the purpose of concentrating and directing light to a particular direction. Note the references cited of record.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the light source of Van Nostrand in view of Ritz-Woller to include a light pipe, as is commonly used and employed in the art, in order to concentrate light to the lens.

11. Claim 29 is withdrawn from further consideration by the examiner, 37 CFR 1.142(b) as being drawn to a nonelected species (species "F", depicted by Fig. 12).

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

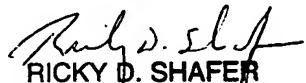
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricky D. Shafer whose telephone number is (571) 272-2320.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RDS

January 08, 2006

  
RICKY D. SHAFER  
PATENT EXAMINER  
ART UNIT 2872